

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK (Central Islip)**

In re:

Victoria S White-Dingman  
aka Victoria S Dingman  
aka Victoria S White  
aka Victoria Dingman

Debtor.

Chapter 7

Case No. 17-75759-las

**AFFIRMATION IN OPPOSITION TO DEBTOR'S REQUEST FOR LOSS  
MITIGATION**

Raquel Felix, Esq., an attorney duly admitted to practice law before the Court of the State of New York, affirms the following under the penalty of perjury:

1. I am an associate of the firm of David A. Gallo & Associates, LLP, attorneys for Creditor Shellpoint Mortgage Servicing as servicer for MTGLQ Investors, L.P. (hereinafter "Shellpoint"), and as such I am fully familiar with the facts and circumstances surrounding the within matter.

2. This affirmation is in opposition to Debtor's request for Loss Mitigation (ECF docket #17) filed on November 27, 2017. Debtor filed opposition to Shellpoint's Motion for Relief from the Automatic Stay and requested to enter into Loss Mitigation.

3. Shellpoint hereby objects to Debtor's request for Loss Mitigation, as the contributor gross income total of \$3,000.00 is insufficient for a loan modification. The current reinstatement balance on the loan is \$208,020.58. The loan is currently past due as of April 1, 2013 through present. The total amount of the payoff as of November 8, 2017 is \$389,774.88.

The current monthly mortgage payment is \$3,911.90 (P&I \$1,548.57 and Escrow \$2,363.33), with a current interest rate of 6.50000%.

4. 31% percent of \$3,000.00 would result in the Debtor affording a modified payment of \$930.00. Shellpoint would be unable to achieve this modified payment amount, as Debtor's escrow amount alone is over \$2,000 a month and current escrow balance is \$91,141.48. A copy of the payoff and reinstatement figures are attached hereto as Exhibit A.

5. Assuming arguendo that Shellpoint can lower the interest rate to 4.25% for a mortgage loan amount of \$390,000.00 for 30 years, this would result in a monthly mortgage payment of \$1,918.57. The Debtor's contributor income is still insufficient to afford this hypothetical mortgage payment. The Debtor would not be successful in obtaining a loan modification and it would be futile to proceed with the process, as she has insufficient income to qualify for a loan modification. Accordingly, Shellpoint seeks an order denying Debtor's request for Loss Mitigation.

WHEREFORE, Shellpoint prays that this Court issue an Order denying Debtor's request for Loss Mitigation and granting the following:

1. For such other relief as the Court deems proper.

Dated: Nassau, New York  
December 6, 2017

**David A. Gallo & Associates LLP**  
/s/ Raquel Felix  
**BY: Raquel Felix, Esq.**  
Attorneys for Secured Creditor  
99 Powerhouse Road- First Floor  
Roslyn Heights, NY 11577  
(516) 583-5330

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**CERTIFICATE OF SERVICE BY MAIL**  
STATE OF NEW YORK COUNTY OF NASSAU) SS.:

I, the undersigned, being duly sworn, say: I am not a party to the action, am over 18 years of age and reside in Nassau County, in the State of New York.

On **December 6, 2017**, I served the within **AFFIRMATION IN OPPOSITION TO DEBTOR'S REQUEST FOR LOSS MITIGATION**, by mailing a copy to each of following persons at the last known address of the Parties listed on the attached service list.

*/s/ Catherine Galiano*  
Catherine Galiano, Bankruptcy Paralegal  
**David A. Gallo & Associates LLP**  
Date: December 6, 2017

Sworn to before me this 6<sup>th</sup> day of December, 2017

*/s/ Raquel Felix*  
Notary Public, State of New York  
No. 01FE6056217  
Qualified in Suffolk County  
My Commission Expires on March 19, 2019

## SERVICE LIST

Case No.: 17-75759-las

***Debtor***

**Victoria S White-Dingman**  
113 Elder Road  
Islip, NY 11751

**Richard F Artura**

Phillips, Artura & Cox  
165 South Wellwood Avenue  
Lindenhurst, NY 11757

***Trustee***

**Marc A Pergament**  
Weinberg Gross & Pergament  
400 Garden City Plaza  
Suite 403  
Garden City, NY 11530

***U.S. Trustee***

**United States Trustee**  
Long Island Federal Courthouse  
560 Federal Plaza - Room 560  
Central Islip, NY 11722-4437

# EXHIBIT A



MONDAY - FRIDAY: 8AM - 10PM ET  
 SATURDAY: 8AM - 3PM ET

PHONE NUMBER: (800) 365-7107  
 FAX NUMBER: (866) 467-1187  
 E-MAIL: LOANSERVICING@SHELLPOINTMTG.COM

October 25, 2017

Victoria White Dingman  
 113 Elder Rd  
 Islip NY 11751

Payoff figures have been requested on the loan for the borrower and property described below.

Loan ID: [REDACTED]

Victoria White Dingman  
 113 Elder Rd  
 Islip, NY 11751  
 Loan Type: Conventional

When remitting funds, please use our loan number to ensure proper posting and provide us with the borrower's forwarding address. Funds received in this office after 3:00 pm Eastern Time will be processed on the next business day, with interest charged to that date.

All payoff figures are subject to clearance of funds in transit. The payoff is subject to final audit when presented. Any overpayment or refunds will be mailed directly to the borrower. We will prepare the release of our interest in the property after all funds have cleared.

**Projected Payoff Date** **11/8/2017**

Principal Balance	\$222,718.61
Interest To 11/8/2017	\$64,654.04
Fees	\$10,992.25
Prepayment Penalty	\$0.00
Release Fees	\$268.50
Funds owed by borrower	\$91,141.48
Funds owed to borrower	\$0.00

**Total Payoff** **\$389,774.88**

Per diem **\$35.69**

The next payment due date is 4/1/2013. Payments are made by Billing on a Monthly basis. The interest rate for this payment is 6.50000% and the P & I payment is \$1,548.57. The taxes are next due 1/10/2018.

**PLEASE CALL THE NUMBER LISTED ON THIS FORM TO UPDATE FIGURES PRIOR TO REMITTING FUNDS AS THEY ARE SUBJECT TO CHANGE WITHOUT NOTICE.**

Mailing Address

Shellpoint Mortgage Servicing  
 55 Beattie Place  
 Suite 110  
 Greeenville, SC 29601



MONDAY - FRIDAY: 8AM - 10PM ET  
SATURDAY: 8AM - 3PM ET

PHONE NUMBER: (800) 365-7107  
FAX NUMBER: (866) 467-1187  
E-MAIL: LOANSERVICING@SHELLPOINTMTG.COM

**Wiring Instructions - \* You must include the "Reference" information listed below if wiring funds \***

Bank Name: Wells Fargo  
ABA Number: 121000248  
Account Number: 2020050813199  
Account Name: Shellpoint Mortgage Servicing  
Reference: [REDACTED]



MONDAY - FRIDAY: 8AM - 10PM ET  
 SATURDAY: 8AM - 3PM ET

PHONE NUMBER: (800) 365-7107  
 FAX NUMBER: (866) 467-1187  
 E-MAIL: LOANSERVICING@SHELLPOINTMTG.COM

Victoria White Dingman - Loan ID [REDACTED]

**FEE DETAILS**

<b><u>Description</u></b>	<b><u>Amount</u></b>
Attorney Cost	\$2,751.50
Court Costs	\$400.00
FC Costs	\$1,780.00
Attorney Cost	\$855.00
Title Cost	\$642.25
Property Inspection	\$213.50
Attorney Cost	\$3,465.00
Cancellation	\$300.00
Filing Cost	\$360.00
Property Pres	\$225.00
	<b><u>\$10,992.25</u></b>

## Reinstatement Balance -

## LOAN DETAILS

LoanID:	[REDACTED]
Due Date:	4/1/2013
Current Principal Balance:	\$222,718.61
Escrow Balance:	(\$91,141.48)
Unapplied Balance:	\$0.00
Late Charge Balance:	\$0.00
NSF Fee Balance:	\$0.00
Legal Fee Balance:	\$5,786.50
Accrual Balance:	\$0.00
Other Fees Balance:	\$5,205.75

Figure Good Thru Date: 11/8/2017

## BORROWER INFO

Primary Borrower Name: Dingman, Victoria White  
 Co Borrower Name:

## REINSTATEMENT FIGURES

Total PITI Payments Due: \$192,028.33  
 Total Corp Adv/Late/NSF/Atty Fees: \$10,992.25  
 Unapplied Balance: \$0.00  
 Escrow Required: \$0.00  
 Outstanding FC Fees & Costs: \$0.00

**Total Reinstatement Figure\*: \$203,020.58**

\*(Total PITI + Fees + Unapplied + Escrow Required + FC Fees &amp; Costs)

The account may not be funded for the coming year

## PAYMENTS DUE DETAIL

Due Date	Interest Rate	Prin & Int Pmt	Escrow Pmt	Total Payment	Principal Amount	Interest Amount	Principal Bal
4/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$342.18	\$1,206.39	\$222,376.43
5/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$344.03	\$1,204.54	\$222,032.40
6/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$345.89	\$1,202.68	\$221,686.51
7/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$347.77	\$1,200.80	\$221,338.74
8/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$349.65	\$1,198.92	\$220,989.09
9/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$351.55	\$1,197.02	\$220,637.54
10/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$353.45	\$1,195.12	\$220,284.09
11/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$355.36	\$1,193.21	\$219,928.73
12/1/2013	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$357.29	\$1,191.28	\$219,571.44
1/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$359.22	\$1,189.35	\$219,212.22
2/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$361.17	\$1,187.40	\$218,851.05
3/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$363.13	\$1,185.44	\$218,487.92
4/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$365.09	\$1,183.48	\$218,122.83
5/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$367.07	\$1,181.50	\$217,755.76
6/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$369.06	\$1,179.51	\$217,386.70
7/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$371.06	\$1,177.51	\$217,015.64
8/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$373.07	\$1,175.50	\$216,642.57
9/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$375.09	\$1,173.48	\$216,267.48
10/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$377.12	\$1,171.45	\$215,890.36
11/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$379.16	\$1,169.41	\$215,511.20
12/1/2014	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$381.22	\$1,167.35	\$215,129.98
1/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$383.28	\$1,165.29	\$214,746.70
2/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$385.36	\$1,163.21	\$214,361.34
3/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$387.45	\$1,161.12	\$213,973.89
4/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$389.54	\$1,159.03	\$213,584.35
5/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$391.65	\$1,156.92	\$213,192.70
6/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$393.78	\$1,154.79	\$212,798.92
7/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$395.91	\$1,152.66	\$212,403.01

\*\*Please add any outstanding foreclosure fees and costs to this reinstatement



8/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$398.05	\$1,150.52	\$212,004.96
9/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$400.21	\$1,148.36	\$211,604.75
10/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$402.38	\$1,146.19	\$211,202.37
11/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$404.56	\$1,144.01	\$210,797.81
12/1/2015	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$406.75	\$1,141.82	\$210,391.06
1/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$408.95	\$1,139.62	\$209,982.11
2/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$411.17	\$1,137.40	\$209,570.94
3/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$413.39	\$1,135.18	\$209,157.55
4/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$415.63	\$1,132.94	\$208,741.92
5/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$417.88	\$1,130.69	\$208,324.04
6/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$420.15	\$1,128.42	\$207,903.89
7/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$422.42	\$1,126.15	\$207,481.47
8/1/2016	6.500%	\$1,548.57	\$1,757.47	\$3,306.04	\$424.71	\$1,123.86	\$207,056.76
9/1/2016	6.500%	\$1,548.57	\$2,186.08	\$3,734.65	\$427.01	\$1,121.56	\$206,629.75
10/1/2016	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$429.33	\$1,119.24	\$206,200.42
11/1/2016	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$431.65	\$1,116.92	\$205,768.77
12/1/2016	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$433.99	\$1,114.58	\$205,334.78
1/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$436.34	\$1,112.23	\$204,898.44
2/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$438.70	\$1,109.87	\$204,459.74
3/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$441.08	\$1,107.49	\$204,018.66
4/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$443.47	\$1,105.10	\$203,575.19
5/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$445.87	\$1,102.70	\$203,129.32
6/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$448.29	\$1,100.28	\$202,681.03
7/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$450.71	\$1,097.86	\$202,230.32
8/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$453.16	\$1,095.41	\$201,777.16
9/1/2017	6.500%	\$1,548.57	\$2,194.95	\$3,743.52	\$455.61	\$1,092.96	\$201,321.55
10/1/2017	6.500%	\$1,548.57	\$2,363.33	\$3,911.90	\$458.08	\$1,090.49	\$200,863.47
11/1/2017	6.500%	\$1,548.57	\$2,363.33	\$3,911.90	\$460.56	\$1,088.01	\$200,402.91

Total Payments Due: \$192,028.33

Count: 56

\*\*Please add any outstanding foreclosure fees and costs to this reinstatement

